

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MOHAMMAD SAAILI SHIBIN, )  
a/k/a "Khalif Ahmed Shibin," )  
a/k/a "Mohammad Ali," )  
a/k/a "Ali Jama," )  
 )  
Defendant. )

CRIMINAL CASE NO.  
2:11cr33

TRANSCRIPT OF PROCEEDINGS  
(Testimony of Mohamud Hirs Issa Ali)

Norfolk, Virginia  
April 25, 2012

BEFORE: THE HONORABLE ROBERT G. DOUMAR,  
United States District Judge, and a jury

APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE  
By: Joseph E. DePadilla, Esquire  
Benjamin L. Hatch, Esquire  
Brian J. Samuels, Esquire  
Paul Casey, Esquire  
Assistant United States Attorneys  
Counsel for the United States

ZOBY & BROCCOLETTI, P.C.  
By: James O. Broccoletti, Esquire  
Counsel for the Defendant

## I N D E X

ON BEHALF OF THE GOVERNMENT:	Direct	Cross	Red.	Rec.
M. Hirs Issa Ali	3	30	--	--

## E X H I B I T S

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—M. Hirs Issa Ali - Direct—

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2

3 THE COURT: Who is your next witness?

4 MR. HATCH: Your Honor, the government calls Mohamud  
5 Hirs Issa Ali. This witness is in custody and requires a  
6 translator.

7 THE COURT: Have you notified the marshal?

8 MR. HATCH: Yes, Your Honor.

9 (There was a pause in the proceedings.)

10 (The oath was administered to the witness by the  
11 Clerk.)

12 MOHAMUD HIRS ISSA ALI, called as a witness, having  
13 been first duly affirmed, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. HATCH:

16 Q. Sir, please state your name.

17 A. Mohamud Hirs Issa Ali.

18 Q. And is "Ali" a part of your name as well?

19 A. Mohamud Hirs Issa Ali.

20 Q. And do you -- when you were in Somali did you also have a  
21 nickname?

22 A. Sarindaaq.

23 Q. Where were you born, sir?

24 A. Qardho.

25 Q. In what country is that?

—M. Hirs Issa Ali - Direct—

1 A. Puntland.

2 Q. And Puntland is Somalia?

3 A. Yes.

4 Q. And how old are you?

5 A. 33.

6 Q. Can you tell us what your educational background was in  
7 Somalia?

8 A. I have no education.

9 Q. When you became an adult what type of work did you do?

10 A. I used to be a soldier.

11 Q. And in what years were you a soldier?

12 A. Oh, no, I used to be a police officer.

13 Q. Okay. And when were you a police officer?

14 A. '99?

15 Q. 1999?

16 A. Yes, 1999.

17 Q. In what part of the country were you a police officer?

18 A. Bossaso.

19 Q. And how long -- when did you stop being a police officer?

20 A. November, 2010. I was released.

21 Q. Now, do you speak any English, sir?

22 A. Just a little bit that I learned in the detention.

23 Q. Were you involved in the piracy of the sailboat Quest?

24 A. Yes.

25 Q. And did you plead guilty in this courthouse to piracy and

—M. Hirs Issa Ali - Direct—

1 hostage taking resulting in death?

2 A. I did plead guilty for my crime.

3 Q. And what sentence did you receive?

4 A. Life.

5 Q. Do you know how many life sentences you received?

6 A. I do not know.

7 MR. HATCH: With the assistance of Mr. Pierce, if I  
8 could hand up Government's Exhibit 2-9 C.

9 BY MR. HATCH:

10 Q. Mr. Mohamud, I'd ask you to look at that and tell me if  
11 you recognize that as your plea agreement.

12 A. Yes.

13 MR. HATCH: Your Honor, I'd move into evidence  
14 Government's Exhibit 2-9 C.

15 THE COURT: 2-9 (sic) is received in evidence, the  
16 plea agreement entered into by this witness.

17 (The exhibit was admitted into evidence.)

18 BY MR. HATCH:

19 Q. Mr. Mohamud, as part of your plea agreement did you agree  
20 to cooperate with the government?

21 A. Yes. Yes, I have to tell the truth.

22 Q. And do you hope that by cooperating and telling the truth  
23 that some day your sentence may be reduced?

24 A. Well, the agreement that I signed with the government --  
25 I believe if I tell the truth they may reduce something.

—M. Hirs Issa Ali - Direct—

1 Q. Now, let me go back to that period after you were  
2 released as a policeman in Bossaso.

3 Where did you go next?

4 A. I went to Qardho. That is the town my family resides.

5 Q. And did you ultimately travel to Garaad?

6 A. Yes.

7 Q. And tell the jury why you went to Garaad.

8 A. A man who I used to work with as a police officer called  
9 me. He told me, "Come to me; I will give you some money."  
10 And that's the reason I went to Garaad.

11 Q. And what's the name of that man that you used to work  
12 with?

13 A. Balixule.

14 Q. Now, is Balixule his real name, or is that a nickname?

15 A. That's his nickname.

16 Q. And do you know what his real name is?

17 A. Mursale.

18 Q. And is that M-U-R-S-A-L-E? Is that how you spell  
19 Mursale?

20 A. Yes.

21 Q. And when did you actually arrive in Garaad?

22 A. December 17th, 2000.

23 Q. Now, tell the jury, what did Balixule do? What was his  
24 occupation?

25 A. He was a pirate. He had ships.

—M. Hirs Issa Ali - Direct—

1 Q. Did he have ships that were being held hostage or ships  
2 that were going out to sea to catch other ships?

3 A. No, there was ships that was already hijacked that was  
4 held.

5 Q. Now, what did Balixule want you to do?

6 A. Well, he told me he's going to give me money.

7 Q. And what did he ask you to do for that money?

8 A. Well, he didn't call me to do any job for him; he just  
9 called me to give me money.

10 Q. And did he actually give you that money?

11 A. No. No, he gave me a boat, and he say, "You" -- "I want  
12 you to be the leader of this boat, so take it and go to sea."

13 Q. And can you tell the jury what kind of boat was this that  
14 Balixule put you on?

15 A. This was a ship owned by Yemenis. That was the one that  
16 I was talking about, and that's the one that I was leading.

17 Q. So Balixule made you the leader of the pirates on that  
18 ship?

19 A. Yes.

20 Q. Now, do you know where that Yemeni fishing boat you just  
21 described -- where it came from?

22 A. No, I do not know.

23 Q. Do you know who brought that boat to Garaad?

24 A. I know some -- one of the men that are with me at the  
25 moment who used to be also police officers, and another man

—M. Hirs Issa Ali - Direct—

1 by the name of Jama Abdikadir.

2 Q. Now, do you know from your own personal observations  
3 which men invested in that boat that Jama Abdikadir brought  
4 down and that Baali Hule put you on?

5 A. When are you talking about? When is the person investing  
6 in this ship?

7 Q. Okay. What were the men on land who were helping you-all  
8 to go to sea, giving you funds and that sort of thing?

9 A. Baali Hule and Liban and Hilaac.

10 Q. And do you know Liban's full name?

11 A. His name is Liban Abdurahman Atan.

12 Q. Now, how do you know that Baali Hule, Hilaac and Liban  
13 invested in the Yemeni boat?

14 A. Liban and --

15 Q. Liban, Hilaac and Baali Hule.

16 A. The night that this man Abdikadir was given to the  
17 boat -- I was with them when these men were talking about  
18 investing in this ship.

19 Q. Tell us what they talked about.

20 A. They spoke about the person who actually brought the ship  
21 first. They would give him \$10,000, and they should be  
22 actually giving -- or give the boat so that they can get some  
23 other men to -- to use the boat.

24 Q. Okay. And just to be clear, is this -- how -- who all  
25 was present for that conversation you just described?

—M. Hirs Issa Ali - Direct—

1 A. It was the three of them -- Jama Abdikadir and the other  
2 three men I already mentioned and also Mohamud Haji Khayr.

3 Q. Okay. And when you said the three men that we talked  
4 about, is that Baali Hule, Liban and Hilaac?

5 A. Abdikadir, Hilaac, Liban, Baali Hule -- those four and  
6 Haji Khayr --

7 Q. Okay.

8 A. -- and myself, six.

9 Q. Now, who was going to give Jama Abdikadir the money to  
10 invest in the ship?

11 A. No, this is not a new investment of money, this is the  
12 money that he was already been given in order for him to  
13 kidnap the ship and bring it back to Somalia.

14 Q. So what did Jama Abdikadir say when they -- these other  
15 three men were talking about investing in the operation?

16 A. No, he had no more business in it, because he was just  
17 taking his money and then he would go away.

18 Q. Now, did he talk about whether he was going to get part  
19 of the crew for that ship?

20 A. No.

21 Q. Now, let me ask you about Liban Abdurahman. Had you  
22 previously known him?

23 A. I knew him. He was a police officer on the port, the  
24 Bossaso port.

25 Q. Do you know if Liban had any involvement in the hijacking

—M. Hirs Issa Ali - Direct—

1 of a German ship in 2010?

2 A. Yeah, I knew he was the leader.

3 Q. He was the leader of the pirates who hijacked that ship?

4 A. Yeah, he was advisor.

5 Q. Could you yourself see the German ship when you were in  
6 Garaad?

7 A. Yeah, it -- yeah, you can see it from the shore.

8 Q. Now, let me ask you about Hilaac. Is Hilaac his real  
9 name or a nickname?

10 A. No, that's the nickname.

11 Q. Do you know what his real name is?

12 A. They call him Farah.

13 Q. Is that F-A-R-A-H?

14 A. I don't know. I...

15 Q. Now, let me -- you mentioned that Mohamud Haji Khayr was  
16 also at that meeting. What was his role in the pirate  
17 operation?

18 A. No, because his role was to -- to -- to bring the  
19 supplies to the crew.

20 Q. And do you know where Mohamud Haji Khayr got the money  
21 and the supplies from?

22 A. No. The investors gave him the money, three young men.

23 Q. That's Liban, Baali Hule and Hilaac?

24 A. And Hilaac, yes.

25 Q. Now, you said Mohamud Haji Khayr would get these

—M. Hirs Issa Ali - Direct—

1 supplies. What would he actually do with them after he got  
2 them?

3 A. No, he was going to send it to us, to the ship.

4 Q. Now, in that time period when you were in Garaad, sir,  
5 did you see Mohammad Saaili Shibin?

6 A. Yeah, I saw him one day.

7 Q. Okay. And do you see him in court today?

8 A. Yeah, he's sitting right here.

9 MR. HATCH: Your Honor, may the record reflect he  
10 identified the defendant?

11 THE COURT: The record will so reflect. Let's move  
12 on.

13 BY MR. HATCH:

14 Q. When was the first time you met Mr. Shibin?

15 A. The day that I came from the boat.

16 Q. Okay. I'm saying the first time you ever met him, maybe  
17 even before you were in Garaad.

18 A. I didn't know him, but I saw him when I was in Bossaso.  
19 He knew me, but I didn't know him.

20 Q. Going back, now, to when you were in Garaad in December,  
21 2010, when did you see Mr. Shibin?

22 A. Are you talking about before?

23 Q. No, now when you're in Garaad.

24 A. It was maybe December 28, maybe -- I'm not sure -- 2011.

25 Q. Okay. And tell the jury what were you doing, and what

—M. Hirs Issa Ali - Direct—

1 was he doing?

2 A. Well, you know, at the time it was just somebody who was  
3 looking for money, because I was trying to get money from  
4 that man for my mission. I was just looking for money. I  
5 was there. The day that I saw him was the first time he came  
6 off the ship.

7 Q. The German ship?

8 A. Yeah. Shibin, he came off of the German ship.

9 Q. Okay. And what happened when you saw him?

10 A. Nothing happened. I took him to the town. We sat with  
11 him for a while. And then after that he went to Galkayo, and  
12 then I went to the sea, and I haven't seen him since.

13 Q. Now, why did you go to pick Mr. Shibin up when he came  
14 off the German ship?

15 A. Well, because he was the elder man, and we were same  
16 tribe, clan, so that's the reason. We're related.

17 Q. Was there any security reasons for you to be escorting  
18 Mr. Shibin?

19 A. Yes, there were people who -- if a hired person who just  
20 took money -- there are people who actually can take the  
21 money from him, so that's one of the reasons. We wanted to  
22 protect him.

23 Q. So are you saying after a pirate gets his ransom payment  
24 there are land-based robbers who will try to steal that from  
25 him?

—M. Hirs Issa Ali - Direct—

1 A. Yes.

2 Q. And, so, what did you have with you that you were able to  
3 provide security with?

4 A. We were five, probably, several. We were driving a car.

5 Q. Did you have any weapons?

6 A. Yes, we did.

7 Q. What kind?

8 A. AK-47s.

9 Q. Now, before you transported -- or escorted Mr. Shibin out  
10 of Garaad did you-all have a time when you chewed khat  
11 together?

12 A. First -- when we brought him in first I sat with him for  
13 a while, and then I left.

14 Q. Okay. Now, tell me when you sat with him chewing khat  
15 who else was there with you-all?

16 A. Many, many men, but I did not know some of them.

17 Q. Okay. Well, tell us about the ones you did know.

18 A. Baali Hule, Haji Khayr. Those two I knew.

19 Q. Now, how would you describe Mr. Shibin's mood during that  
20 khat-chewing session?

21 A. Well, he was normal when he came off the ship.

22 Q. Now, what, if anything, did Mr. Shibin say about whether  
23 he had gotten payments from the German ship?

24 A. He didn't tell me, but he was talking to the other  
25 gentleman, and he said, "Well, the" -- the -- "the German

—M. Hirs Issa Ali - Direct—

1 ship I received 50,000 from."

2 Q. From...

3 THE INTERPRETER: From it.

4 BY MR. HATCH:

5 Q. Was a man named Hindi also there with you at that time,  
6 at that khat-chewing session?

7 A. No, I went to him later on.

8 Q. Okay. Now, did Shibin give you any money when you saw  
9 him in Garaad?

10 A. Well, later on that evening myself and Hindi and another  
11 person came back to him. He gave us \$300, one hundred each.

12 Q. Now, is Hindi one of the men who went out to sea with  
13 you?

14 A. Yeah, he's one of -- he's one of the people here.

15 Q. When you say "here" you mean he was brought back and  
16 prosecuted here?

17 A. Yes, yes.

18 Q. Do you know what Hindi's real name is?

19 A. Well, they call him Ahmed Salah.

20 Q. Now, let me go to when you were providing that armed  
21 escort for Mr. Shibin out of Garaad. Were there any other  
22 individuals that you were also escorting out?

23 A. Liban and Hilaac.

24 Q. And who else was working that escort duty with you that  
25 day?

—M. Hirs Issa Ali - Direct—

1 A. Among those who are here now, Hindi was one of them.

2 Q. Okay. But let's include guys who aren't here now.

3 A. Mohamud Haji Khayr also one of them and several other  
4 young men. I didn't know them, some of them.

5 Q. When did you personally leave Garaad?

6 A. You mean went to the ocean?

7 Q. Yeah, when you were going out to go to the ocean.

8 A. I think I left February 1st, 2011.

9 Q. Okay. And where did you actually get on the boat to  
10 start going out?

11 A. In Garaad.

12 Q. All right. Now, did the boat go out immediately, out to  
13 sea, or did it go to some other Somali towns before it left?

14 A. Well, we left Garaad, and then we went to a town called  
15 El Danaan. We took supplies like food, and then we left  
16 February 1st and went to Beyle.

17 Q. Okay. Now, let me ask you, when you were taking on  
18 supplies in El Danaan who was supplying that? Who was  
19 bringing those supplies?

20 A. Haji Khayr.

21 MR. HATCH: And did he say Mohamud Haji Khayr?

22 THE WITNESS: Yeah, Mohamud Haji Khayr.

23 BY MR. HATCH:

24 Q. And was it part of your role as a commander of that boat  
25 at that time to coordinate with Mohamud Haji Khayr to get

—M. Hirs Issa Ali - Direct—

1 these provisions on?

2 A. Mohamud Haji Khayr was the one who went out actually to  
3 the countryside and was getting things that were needed,  
4 supplies.

5 Q. Now, when you went up to Beyle what happened up there?  
6 Did anything else come on?

7 A. We took more --

8 THE COURT REPORTER: Took what?

9 BY MR. HATCH:

10 Q. I'm sorry?

11 A. The engine for the boat and some other manuals. They  
12 brought the engine from Hafun.

13 Q. Okay. And was that the engine for the attack -- smaller  
14 attack skiff?

15 A. Yes, for the skiff.

16 Q. Now, did any additional pirates come on board in Beyle?

17 A. Yeah, they brought the engine and three men from Hafun.

18 Q. And do you know who had recruited or brought those men to  
19 the crew?

20 A. Jama Abdikadir.

21 Q. When did you leave Beyle to actually go out to sea to  
22 find a ship to hijack?

23 A. February 9th, 2011.

24 Q. And how many pirates were on board?

25 A. Nineteen.

—M. Hirs Issa Ali - Direct—

1 Q. And were there also --

2 A. And also four Yemenis -- 19, and also four Yemenis.

3 Q. And the four Yemenis, they weren't pirates; they were  
4 hostages, right?

5 A. Yeah, they were not. Including the Yemenis, we were 19  
6 pirates.

7 Q. Okay. So there's four non-pirate Yemenis and then one  
8 pirate Yemeni, right?

9 A. Yes.

10 Q. When you headed out to sea did you have a particular area  
11 that you were going toward?

12 A. No, we were just going different directions.

13 Q. And did you have any device that you used to help you  
14 navigate out there at sea?

15 A. No, we did not.

16 Q. Did you have a GPS?

17 A. Yeah, a GPS, just a -- it's a direction from where we  
18 came from.

19 Q. Now, did you have a plan for what you would do if you  
20 captured a ship?

21 A. No, we did not.

22 Q. Well, what were you going to do with one if you captured  
23 it?

24 A. Well, the plan was if we were able to capture a ship then  
25 we have to go back to Somalia.

—M. Hirs Issa Ali - Direct—

1 Q. Okay. Now, what's your objective in capturing a ship?  
2 What are you trying to get?

3 A. Ransom money.

4 Q. As part of your plan, if you had captured a ship were you  
5 supposed to call anyone at that time?

6 A. Yeah, we were going to call the investors.

7 Q. Okay. Would you call them from the ship?

8 A. Yeah, we were supposed to be calling from -- call from  
9 the ship.

10 Q. And then as part of the plan is there a role for an  
11 interpreter or negotiator?

12 A. One more time?

13 Q. Is there a role for an interpreter or negotiator in the  
14 piracy plan?

15 A. We don't know interpreters. The investors bring in the  
16 interpreter.

17 Q. Okay. So it's not your job as the sea pirate to line up  
18 the interpreter. Is that right?

19 A. Yeah, it's not part of our plan.

20 Q. Okay. So did you have an understanding of what the  
21 investors would do after you called them from the ship?

22 A. No. Well, the plan is just once we capture a ship and  
23 then we went back and then we meet them, then they may --  
24 they come up with whatever plan that they wanted to use.

25 Q. Did any members of your crew on the ship that you headed

—M. Hirs Issa Ali - Direct—

1 out with discuss who the negotiator would be?

2 THE INTERPRETER: I'm sorry. One more time, please.

3 BY MR. HATCH:

4 Q. So did any member of your 19 crew discuss who the  
5 negotiator would be?

6 A. Okay. The day that we saw the ships, the United States  
7 ships -- we were afraid of them. We didn't speak the  
8 language. And this is after we have already captured the  
9 Quest.

10 Juguuf said, "Well, that man can actually speak to  
11 these people."

12 Q. And did he say -- what man did he say?

13 A. Shibin, he said.

14 Q. Now, did you bring any weapons with your group that went  
15 out to sea?

16 A. Yes, we did. We had --

17 Q. What types?

18 A. -- AK-47s and also RPG.

19 Q. How long had you been at sea before your crew sighted the  
20 Quest?

21 A. Nine days.

22 Q. So that was February 18th, then?

23 A. Yes, that's the day that we capture the ship.

24 Q. And when the Quest was sighted what instructions did you  
25 give to the crew?

—M. Hirs Issa Ali - Direct—

1 A. I sent six of them to the -- I told them to check out the  
2 boat.

3 Q. Did they do that?

4 A. Well, at the beginning I thought it was a ship, but then  
5 the young man that was leading this group told me, "Well,  
6 this is a boat. It's an American flag on it. There are four  
7 people in it." So I went with them.

8 BY MR. HATCH:

9 Q. Okay. And had they taken the small attack skiff to go to  
10 the Quest?

11 A. I took the skiff.

12 Q. Now, when your men first went over to the Quest do you  
13 know if they fired any shots?

14 A. No, I'm not aware of that.

15 Q. Okay. How far were you out to sea when you captured the  
16 Quest?

17 A. I think we were about 940 miles from --

18 THE INTERPRETER: From the --

19 THE WITNESS: -- Beyle.

20 BY MR. HATCH:

21 Q. Somalia?

22 A. Yes.

23 Q. And how far were you from the nearest land?

24 A. I think we were about 400 to Oman. This was closer.

25 Q. Now, after you captured the Quest were you able to call

—M. Hirs Issa Ali - Direct—

1 back to the investors?

2 A. No, I went -- already somebody cut off the communication  
3 line.

4 Q. I'm sorry. Could you repeat that answer?

5 A. Already somebody, one of my groups, cut off the  
6 communications line.

7 Q. Do you know who did that?

8 A. Yeah, that was Shani.

9 Q. Did you have any other means to communicate back to shore  
10 at that time?

11 A. No, we could not call.

12 Q. Did Juguuf say anything about needing to call back to  
13 land?

14 A. We had no way of communicating or calling anybody.

15 Q. Okay. Now, where did you try to take the Quest after  
16 that?

17 A. Hafun, Somalia.

18 Q. And why did you want to go to Hafun versus, say, Garaad  
19 or Beyle?

20 A. Well, that's where I came from. That's where we came  
21 from.

22 Q. And after you bring it back to Hafun is it easy to move  
23 it down the coast to anyplace you want?

24 A. No. We could not take the boat to someplace else until  
25 we get the money.

—M. Hirs Issa Ali - Direct—

1 Q. How long were you on the Quest before the Navy came?

2 A. The Navy came, I think, maybe the second morning.

3 Q. Before the Navy came had you seen any planes fly over the  
4 Quest at any point?

5 A. Yes, the second day we saw.

6 Q. Now, when the Navy came who initially was in charge of  
7 speaking to them over the bridge-to-bridge radio?

8 A. I spoke to them.

9 Q. And did you use your true name when you spoke to the  
10 Navy?

11 A. No, I made up one called Abdullahi.

12 Q. Now, at some point after you had been speaking to the  
13 Navy for a while did you lose your command position on the  
14 boat?

15 A. Well, the captain of the U.S. Navy, the person I was  
16 spoken to said, "Can you allow me to talk to the hostages to  
17 make sure that they are okay?" And when I tried to do that  
18 the other group say, "You are working with them," and they  
19 went against me.

20 Q. So what did your role become after you were taken out of  
21 command?

22 A. Well, I decided that Juguuf would be the leader and that  
23 we were going back to Somalia.

24 Q. Now, did you ever hear anyone give Shibin's name to the  
25 Navy?

—M. Hirs Issa Ali - Direct—

1 A. Yeah, Ibrahim Agaweyne, who is dead, and also Juguuf were  
2 giving his name to the Navy.

3 Q. Over the bridge-to-bridge radio?

4 A. Yes.

5 Q. And what did they say about Shibin over the radio?

6 A. All they say to the Navy, "Speak to that man; he's the  
7 one elected to be as an interpreter."

8 Q. Now, did there come a time when Juguuf and Gurdan went  
9 over to the Navy ship?

10 A. The second day the Navy say, "We would like to come to  
11 you. We would like to see the victims" -- or "the hostages."  
12 So they came with the small boats.

13 Then Juguuf say, "I will come to you. Do not come  
14 to us." So that's the reason that he went to...

15 BY MR. HATCH:

16 Q. Now, sir, the American hostages were later shot. Is that  
17 right?

18 A. That night I was the watchman, the person who stayed up,  
19 and I slept in the morning, and then I just woke up with this  
20 chaos, noise, and I was actually injured. I thought the U.S.  
21 Navy was actually shooting at us.

22 When I came in here I was told, "One of your groups  
23 are the people who actually killed the hostages."

24 Q. Okay. But what I want to make clear is you yourself  
25 didn't shoot any of those hostages. Is that right?

—M. Hirs Issa Ali - Direct—

1 A. I did not. I would not have done that.

2 Q. And did you want any of those hostages to be shot?

3 A. No, no, no. Even if I -- if they told me, I would have  
4 saved some of them.

5 Q. Now, is part of what contributed to your confusion that  
6 morning the fact that you were standing behind the RPG when  
7 another pirate shot it?

8 A. I was not even aware -- I don't know where this came  
9 from, the RPG, because I was already injured.

10 Q. Did that daze you in that series of events?

11 A. Yeah. Actually, I was in a coma all day.

12 MR. HATCH: Your Honor, at this point I'd like to  
13 move in Government's Exhibits 2-13 B and 2-13 D.

14 These are two-page exhibits that again come from  
15 that Exhibit 2-10, the stipulated phone exhibit.

16 THE COURT: They will be received in evidence.

17 (The exhibits were admitted into evidence.)

18 MR. HATCH: And if I may publish 2-13 B, the second  
19 page, please.

20 THE COURT: 2-13 B and 2-13 D -- what happened to  
21 2-13 C?

22 MR. HATCH: I skipped that one, Your Honor. We'll  
23 come back to that one later.

24 If I could have 2-13 B, please.

25 BY MR. HATCH:

—M. Hirs Issa Ali - Direct—

1 Q. If you look at your screen there, Mr. Mohammad, looking  
2 at that text do you recognize the name of the individual in  
3 that text?

4 A. Yeah, this is, "Uncle, call me." This is Liban  
5 Abdurahman.

6 Q. And is that consistent with the Liban Abdurahman that you  
7 knew?

8 A. Yes.

9 Q. Now, let me ask you about this phone number at the top.  
10 Do you recognize that phone number?

11 A. Yeah. This is his telephone number.

12 Q. Liban's?

13 A. Yes.

14 MR. HATCH: If I could have Exhibit 2-13 D2, please.  
15 BY MR. HATCH:

16 Q. Mr. Mohammad, can you read what that says in that text?

17 A. This means Sarindaaq has actually tied his feet to the  
18 United States, to the Americans.

19 Q. And Sarindaaq -- is that your name?

20 A. Yes.

21 Q. Now, let me ask you, do you know what this phone number  
22 is?

23 A. No, I do not.

24 MR. HATCH: If I could publish 2-10 C1, which is  
25 already in evidence.

—M. Hirs Issa Ali - Direct—

1 THE COURT: 2-10 C1?

2 BY MR. HATCH:

3 Q. Mr. Sarindaaq -- Mr. Mohammad, if you look at your screen  
4 there, do you recognize the name of this individual that I've  
5 indicated with a red arrow?

6 A. Mohamud Haji Khayr and his telephone number.

7 Q. So you know that to be his telephone number?

8 A. Yes.

9 Q. And did you ever communicate with him using this  
10 telephone number?

11 A. Yeah, I used to call him and ask him to send supplies.

12 MR. HATCH: If I could have 2-10 C2, please.

13 BY MR. HATCH:

14 Q. Mr. Mohammad, do you recognize the name of the individual  
15 in that box?

16 A. No.

17 Q. Do you recognize that phone number?

18 A. Are you talking about the top, the name on the top?

19 That's Jama Abdikadir.

20 Q. Okay. I had two names in there. That was my fault.

21 You recognize that name with the red arrow as Jama  
22 Abdikadir. Is that correct?

23 A. Yes.

24 Q. And do you recognize that phone number?

25 A. That's his telephone.

—M. Hirs Issa Ali - Direct—

1 Q. And did you ever use that number to communicate with him?

2 A. Yeah, from Hafun.

3 Q. Do you recognize the name of the individual in this box?

4 A. Yeah, that's Hilaac. I don't recognize his telephone  
5 number.

6 MR. HATCH: If I could have 2-10 C3, please.

7 BY MR. HATCH:

8 Q. Do you recognize the name of that individual?

9 A. Yes, that's Juguuf and his telephone number.

10 MR. HATCH: C4, please.

11 BY MR. HATCH:

12 Q. Do you recognize the name of this individual?

13 A. This is Mohamud Haji Khayr.

14 Q. And tell us about that phone number. Do you recognize  
15 it?

16 A. That's his telephone.

17 Q. Now, do you know if any other individuals also utilized  
18 that telephone number?

19 A. Yeah. The last I remember, Jama Abdikadir had it.

20 Q. So would they both use it?

21 A. The number belonged to Mohamud Haji Khayr, but he took it  
22 from me.

23 Q. Jama Abdikadir took it from you?

24 A. Yes.

25 Q. And did you communicate with that number as part of your

—M. Hirs Issa Ali - Direct—

1 provisioning of the boat?

2 A. Yes. He called me the day that he was sending us the  
3 engine from Hafun.

4 Q. And who is the "he" in that answer, please?

5 A. Jama Abdikadir.

6 Q. Okay.

7 MR. HATCH: And if I could have Exhibit 2-14 H  
8 published, which is already in evidence.

9 THE COURT: All right, publish it.

10 BY MR. HATCH:

11 Q. Mr. Mohamud, do you recognize the name of the individual  
12 in that box?

13 A. Baali Hule, yes.

14 Q. And do you recognize that phone number?

15 A. Yeah, that's his telephone.

16 MR. HATCH: The Court's indulgence.

17 (There was a pause in the proceedings.)

18 BY MR. HATCH:

19 Q. I'd just like to go back to one point.

20 You had talked before about when you heard -- when  
21 Mr. Shibin said that he got \$50,000 from the German ship.  
22 Did Mr. Shibin say anything about why he got that money?

23 A. No, no. I didn't ask him, and I didn't see anyone asking  
24 him why.

25 Q. Okay.

—M. Hirs Issa Ali - Direct—

1 MR. HATCH: No further questions, Your Honor.

2 MR. BROCCOLETTI: With your help, Mr. DePadilla,  
3 would you put up again, please, Government's Exhibit 2 --

4 THE COURT: Mr. Broccoletti, rather than interrupt  
5 your cross-examination, I think we'll take a break now.

6 MR. BROCCOLETTI: Yes, Your Honor.

7 THE COURT: We'll take a 15-minute break. Everybody  
8 please rise while the jury retires.

9 (The jury withdrew from the courtroom.)

10 THE COURT: You are instructed, sir, not to discuss  
11 your testimony with anyone until you come back to the stand.

12 THE WITNESS: Okay.

13 THE COURT: All right. We'll recess for 15 minutes.

14 (A recess was taken.)

15 THE COURT: Please remain standing until the jury  
16 comes in.

17 (The jury entered the courtroom.)

18 THE COURT: Let the record reflect the entire jury  
19 has returned.

20 You may proceed, Mr. Broccoletti.

21 MR. BROCCOLETTI: Yes, sir.

22 THE COURT: You are reminded, sir, you're required  
23 to tell the truth, the whole truth, and nothing but the  
24 truth.

25 MR. BROCCOLETTI: Judge, if we could pull up 2-13 D,

—M. Hirs Issa Ali - Cross—

1 please.

2 CROSS-EXAMINATION

3 BY MR. BROCCOLETTI:

4 Q. Sir, this is Government's Exhibit 2-13 D, which you have  
5 talked about just a few minutes ago.

6 Do you recall this, if you look on the screen?

7 A. It's my name.

8 Q. All right. I understand that.

9 Now, what day did you capture the Quest?

10 A. It was February 18th, 2011.

11 Q. What time?

12 A. I would say about 2:00 in the morning.

13 Q. The box that I've highlighted on Government's  
14 Exhibit 2-13 D, does that reflect that the message was  
15 received on the 19th of February at 5:54 in the afternoon?

16 A. I'm sorry?

17 Q. Does that show that the message was received on  
18 February 19th, after you had captured -- the day after you  
19 had captured the Quest?

20 A. We captured the boat the 18th.

21 MR. BROCCOLETTI: All right. If we could take that  
22 down, please, sir.

23 BY MR. BROCCOLETTI:

24 Q. You've already told us that there were no communication  
25 devices available on the Quest, correct?

—M. Hirs Issa Ali - Cross—

1 A. Yes.

2 Q. No one called from the Quest to the shore to advise them  
3 that you had captured Americans?

4 THE INTERPRETER: Nobody called --

5 BY MR. BROCCOLETTI:

6 Q. Nobody called from the Quest to shore to advise any  
7 Somalian that you had captured Americans.

8 THE COURT: Was he on the Quest at the time?

9 MR. BROCCOLETTI: He was -- I'm sorry.

10 THE COURT: I was trying to -- you're asking him  
11 whether he knows of anyone calling, or while he was present,  
12 or did he witness anyone calling, or what is the -- you're  
13 asking him about some time that I'm curious about as to where  
14 he's located when you're asking him.

15 MR. BROCCOLETTI: Yes, sir. Let me clarify that,  
16 Judge, if I could.

17 BY MR. BROCCOLETTI:

18 Q. You were on the Quest.

19 A. Yes.

20 Q. And you were on the Quest when it was captured?

21 A. Yes.

22 Q. You stayed on the Quest until the time that the U.S. Navy  
23 took you into custody.

24 A. Yes, very much.

25 Q. And no one called from the Quest during that time period

—M. Hirs Issa Ali - Cross—

1 to shore to advise them that you had captured Americans.

2 THE INTERPRETER: Sir, I'm sorry.

3 MR. BROCCOLETTI: Sure.

4 BY MR. BROCCOLETTI:

5 Q. No one during that time called from the Quest to shore to  
6 advise that you had captured Americans.

7 A. No one was able to make a call, because we didn't have a  
8 communication devices.

9 Q. What were the six men that boarded the Quest with you --  
10 who were the six men that boarded the Quest with you?

11 A. I'm talking about the six men that I sent to Quest.

12 Q. Correct.

13 A. Their names?

14 Q. Please.

15 A. Hindi, Shani, Abubakar, the person who actually was  
16 driving the boat, Salad, who was killed. Those are the six.

17 Q. Was Jilani one of the six?

18 A. No, he was not.

19 Q. You have talked about a number of people, and I want to  
20 ask you about -- first of all, what clan are you from?

21 A. Me?

22 Q. You.

23 A. Darod.

24 Q. Do you have a subclan?

25 A. Osman Mahamoud.

—M. Hirs Issa Ali - Cross—

1 Q. Are you related to Shibin?

2 A. We're the same subclan, Osman Mahamoud.

3 Q. What clan is Juguuf from?

4 A. The same.

5 Q. Is Juguuf related to Shibin?

6 A. Yes, closer.

7 Q. What clan is Baali Hule from?

8 A. Also Osman Mahamoud.

9 Q. Same clan as Shibin?

10 A. Yes.

11 Q. What clan is Liban from?

12 A. The same clan.

13 Q. What clan is Hilaac from?

14 A. Osman Mahamoud.

15 Q. What clan is Mohamud Haji Khayr from?

16 A. Osman Mahamoud.

17 Q. Do members of clans stay close together with each other,  
18 in your experience in Somalia?

19 A. Yes.

20 Q. You're very specific about the dates that you have spoken  
21 to. You have a very good recollection. For example, you  
22 recall specifically arriving on the 17th of December, 2010,  
23 in Garaad, correct?

24 THE INTERPRETER: What was the date? I'm sorry?

25 MR. BROCCOLETTI: December 17th.

1 THE WITNESS: Garaad, yes.

2 BY MR. BROCCOLETTI:

3 Q. Did you keep some type of diary?

4 A. No. This is when I left my family.

5 Q. You specifically remember seeing Shibin on the 28th of  
6 December. Did you keep a diary for that date?

7 A. I'm not sure if it was the 28th, but I would say the 28th  
8 to the 30th.

9 Q. You specifically recall leaving Garaad on the 2nd of  
10 February. Did you keep a diary for that?

11 A. No, we left El Danaan the 2nd of February.

12 Q. Without looking at any exhibit or sheet of paper, can you  
13 tell me Hilaac's phone number?

14 A. No, I do not know Hilaac's telephone number.

15 Q. Without looking at a sheet of paper or an exhibit, can  
16 you tell me Liban's phone number?

17 A. 798401.

18 Q. Without looking at an exhibit or a sheet of paper, can  
19 you tell me Balixule's phone number?

20 A. I -- I can't remember at the moment.

21 Q. Can you tell me Mohamud Haji Khayr's phone number?

22 A. 380303.

23 Q. All right. Thank you very much.

24 MR. BROCCOLETTI: I have no further questions.

25 MR. HATCH: No further questions, Your Honor.

1 THE COURT: Do you need this witness any further?

2 MR. HATCH: No, Your Honor.

3 THE COURT: Do you need this witness any further,  
4 Mr. Broccoletti?

5 MR. BROCCOLETTI: No, sir.

6 THE COURT: You are instructed, sir, not to discuss  
7 your testimony with anyone until this matter is complete, at  
8 which time you're free to discuss it with anyone you like.

9 THE WITNESS: Okay.

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15 CERTIFICATION

16

17 I certify that the foregoing is a correct transcript  
18 of an excerpt from the record of proceedings in the  
19 above-entitled matter.

20

21 s/s

22 Heidi L. Jeffreys

23

24

25 \_\_\_\_\_  
July 3, 2012